

REMARKS

Claim 42 has been cancelled above.

Claim 2 has been amended above to avoid the 35 USC 112, second paragraph issue. Please note that no substantive changes were made to claim 2; the last phrase was merely repositioned to avoid the need for the “the first said” terminology. Therefore, the current amendment to claim 2 does not raise any new issues.

Claim 2 and dependent claims 7-9 were rejected under 35 USC 102 based on Yamamuro. Applicants respectfully traverse this rejection based on the following.

Amended claim 2 recites that a determination is made whether a region on the storage medium contains user data, and if so, the user data is copied from the region to a temporary storage location. After the copying step, an attempt is made to write a data pattern to the region of the storage medium, and then contents of the region are read back. Then, the data pattern is compared to the contents of the region which was read back to identify differences. If no difference was identified, then the user data is written back to the region. If a difference was identified, then the region is replaced with a new region for storage of data.


Yamamuro does not disclose that user data is removed from the test area, and then a test pattern is written to the test area, read back and compared to the test pattern. If the test area is good, then the user data is returned to the test area. Rather, Yamamuro is concerned with initial manufacture of optical disks and recordings made at a factory on optical disks. Yamamuro discloses in Column 12 lines 42-62 that the test is made “at the manufacturing time or the initial time”. In Yamamuro, at this stage in the testing, dummy data is written into the optical disk to test the quality of the manufactured disk, before any real data is recorded in the test area. So, unlike amended claim 2, user data is not removed from the test area to make way for a test pattern, and then returned to the test area if the test area is found to be good.

Yamamuro also disclose a test at the actual data recording time to determine if the data was recorded faithfully at the factory. See Column 14 lines 62-67 and Column 16 lines 37-49. But, this does not involve removal of user data from the test area to make room for test data. Presumably, the actual data recording made at the factory is read back from the optical disk and compared to the intended factory recording to identify errors. Therefore, Yamamuro fails to disclose a key feature of amended claim 2, and the rejection under 35 USC 102 should be withdrawn. This feature of amended claim 2 would not have been obvious in view of Yamamuro because Yamamuro teaches the comparison of recorded data to known data, and not removal of user data from a test region to make room for test data. Therefore, no rejection under 35 USC 103 should be made.

Claims 7-9 depend on amended claim 2, and therefore distinguish over Yamamuro for the same reasons as amended claim 2.

Based on the foregoing, the present patent application, as amended above, should be allowed.

Respectfully submitted,


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